The CASE of Philip Nye, Minister.

Humbly tendered to the Consideration of the PARLIAMENT.

THat it hath been for many years his professed and known Judgement, that the ancient form of Government, by King, Lords, and Commons, is the best for this Nation, and was very much troubled at the attempts of those that would have altered it to a Commonwealth.

That he hath not been in any Consultation with *Oliver* or *Richard Cromwel* at any time, about breaking of any Parliament, change of the Government, or the Civil Affairs of this Nation; but constantly improved the little Interest he had with those persons, in such matters wherein the Church and Ministry was concerned.

It hath been commonly objected,

1 *That He acted as a chief man in the Commission for Approbation of publick Preachers. Therein exercised more then Episcopal authority. Placed and displaced what Ministers he pleased generally throughout the Nation.*

To which he humbly answereth,

That an Ordinance for the Approbation and Admittance of publick Preachers into places destitute, was set forth in the year 1653. There being a very great necessity hereof, for preservation of the Interest both of Patrons and Incumbents, because there was then no Bishop or Ordinary to give Institution and Induction. This Ordinance was therefore confirmed by an Act of Parliament in *Anno* 1656. when divers other Ordinances were laid aside.

By this Ordinance Eight and thirty Commissioners (chosen out of the two Universities, the City of *London*, and elsewhere,

of whom He was one) were appointed to Judge of, and admit persons presented, to Livings, according to certain Rules in the said Ordinance given.

It was also further thereby Ordained, That no person might be approved of, as fit, but by five Commissioners, or refused as unfit, but by nine or more of them present upon the place at his Trial.

That these Commissioners were all equal in Power, and that He neither had, or did exercise any Power, other, or more, in admitting, or refusing persons Presented, then what he did joyntly with other the said Commissioners, and according to the Rules and Instructions of the said Ordinance.

In the Admitting or Rejecting any person Presented, He did never Sollicite, Urge, or Endeavor to procure any of the said Commissioners to Vote or joyn with Him, but each of them Voted in the freedom of his own Judgement.

2 *He stopped the course of Justice by His Power with the Protector, so that Patrons wronged, had no remedy by Law.*

It is answered,

That He doth not know, or ever heard, that the Protector interposed in any Sute brought against the Commissioners.

That He and the other Commissioners did their uttermost (so far as learned Lawyers could advise) to further Patrons in the enjoyment and recovering of their Right by Law.

He humbly conceiveth it was never intended by the Ordinance, that the Commissioners should be Parties in such Sutes. For,

1 They were only to approve and admit persons Presented, and claimed no Interest, either upon lapse, or otherwise, to present to a Benefice, as the Bishops formerly did, and lawfully might do.

2 Provision was made by the said Ordinance to secure the Right of Patrons, in a way supposed to be as effectual, as if a sute were commenced against them as formerly against the Bishop.

3 Nor had they any Salary allowed them, or any benefit at all for their attendance in this Commission: such Sutes therefore could not be maintained by them, but at their own charge.

It

It would ſeem very unequal that men be moleſted with Sutes in Law, and put to charges about Titles, which they never pretended to, or can ever have any benefit by.

3 *Perſons Preſented by Patrons, were refuſed, though ever ſo worthy, that he might get Livings for himſelf and his Friends.*

4 *He hath gotten a great Eſtate by Bribes, taken by himſelf and Son, in the diſpoſing of Livings.* He anſwereth,

It is not likely, that any Patron will be ſo well pleaſed with the diſapproving of his Clerk, eſpecially if he were worthy, as to gratifie him, or thoſe that did it, with diſpoſing of the place, or nominating another.

That when a perſon was refuſed, He never did endeavor, or make application to the Patron, or to the Protector upon lapſe, to procure the place for any perſon one or other, from firſt to laſt. And to obviate the ſuſpicion of partiality, in refuſing any man upon ſuch an unworthy account. At his inſtance there was an Order made, and held to, by the joynt conſent of all the Commiſſioners for the preventing ſuch endeavor or application by any of them.

That he never had but one Living, into which he was put many years before he ſat in that Commiſſion, and left it for ſome years while he was a Commiſſioner, but took no other in all that time, nor ſince to this day. The Patron (an Alderman of *London*) gave him leave to name his Succeſſor, which he did, one Mr. *Elford*, a meer ſtranger to him, but of known Learning and Piety; and reſigned it unto him without one penny advantage, though the Rectory was better worth then 200 *l. per annum*.

That He hath not taken any gifts, or gratuities, directly, or indirectly, for favor ſhewed to perſons that have been approved, or upon any conſideration whatſoever, in, or about the bringing of any man into his Living. And upon very credible grounds he believeth, and doubts not but each of the Commiſſioners will give the like teſtimony, that his Son the Regiſter hath not taken Bribes, but from time to time, which was very frequent, diſcovered to the Commiſſioners thoſe that attempted to obtain approbation by ſuch a corrupt way: Or hath he at any time exacted or received

ceived money (more then the bare Fees) for expedition, diſpatch, or the like Colourable pretences. And this is all He humbly conceiveth can be ſaid by any man, for vindication of himſelf in a charge that is popularlie aſſerted, and onely in the general, and as yet no inſtance in any particular hath ever been given.

That his whole Eſtate, Perſonal, and Real, beſides his Books and a little houſhold-ſtuff, is nor worth 1200*l.* whereas he had an Eſtate of fourteen or fifteen hundred pounds formerly, and before the Long Parliament or theſe troubles began.

He hath been a Preacher forty years, now infirm, and in the 65 year of his age, a wife and three children to be provided for, his preſent maintenance depending upon a voluntary Contribution; if this little means be taken from him, his Family, in reſpect of outward ſubſiſtence is utterly ruined.